

No. 22-11707

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

..

PAUL A. EKNES-TUCKER, et al.,
Plaintiffs-Appellees,

&

UNITED STATES OF AMERICA
Intervenor-Plaintiff-Appellee,

v.

GOVERNOR OF THE STATE OF ALABAMA, et al.,
Defendants-Appellants.

..

On Appeal from the United States District Court
for the Middle District of Alabama

Case No. 2:22-cv-184-LCB

MOTION FOR LEAVE TO WITHDRAW

Steve Marshall
Attorney General

Thomas A. Wilson
Deputy Solicitor General

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March 15, 2023

CERTIFICATE OF INTERESTED PERSONS

Pursuant to Federal Rule of Appellate Procedure 26.1 and Eleventh Circuit Rule 26.1-1, the undersigned counsel certifies that the following listed persons and parties may have an interest in the outcome of this case:

1. Abdul-Latif, Hussein – Amicus Curiae;
2. Academic Pediatric Association – Amicus Curiae;
3. Alabama Center for Law and Liberty – Amicus Curiae;
4. Alabama Chapter of the American Academy of Pediatrics – Amicus Curiae;
5. Alaska, State of – Amicus Curiae;
6. Alstott, Anne – Amicus Curie;
7. America First Legal Foundation – Amicus Curiae;
8. American Academy of Child and Adolescent Psychiatry – Amicus Curiae;
9. American Academy of Family Physicians – Amicus Curiae;
10. American Academy of Pediatrics – Amicus Curiae;
11. American Academy of Nursing – Amicus Curiae;
12. American Association of Physicians for Human Rights, Inc. – Amicus Curiae;
13. American College of Obstetricians and Gynecologists – Amicus Curiae;
14. American College of Osteopathic Pediatricians – Amicus Curiae;

15. American College of Physicians – Amicus Curiae;
16. American Medical Association – Amicus Curiae;
17. American Pediatric Society – Amicus Curiae;
18. American Psychiatric Association – Amicus Curiae;
19. Arnold, Stephanie York – Amicus Curiae;
20. Association of American Medical Colleges – Amicus Curiae;
21. Association of Medical School Pediatric Department Chairs – Amicus Curiae;
22. Andersen, Alison L. – Counsel for Amici Curiae;
23. Anderson, Tom – Defendant;
24. Arizona, State of – Amicus Curiae;
25. Arkansas, State of – Amicus Curiae;
26. Austin, Heather – Plaintiff;
27. Australian Professional Association for Trans Health (The) – Amicus Curiae;
28. Baia, Elizabeth – Counsel for Amici Curiae;
29. Bailey, Daryl D. – Defendant;
30. Barday, Shireen A. – Counsel for Amicus Curiae;
31. Barham, Richard – Amicus Curiae;
32. Barnes, Brian W. – Counsel for Defendants;

33. Barnhart, Dr. David L. (Jr.) – Amicus Curiae;
34. Becker, Laura – Amicus Curiae;
35. Beninati, Nancy – Counsel for Amici Curiae;
36. Blakemore, Robin – Amicus Curiae;
37. Blaylock, C. Wilson – Defendant;
38. Boccuzzi, Carmine D, (Jr.) – Counsel for Amici Curiae;
39. Boe, Brianna – Plaintiff (pseudonym);
40. Boergers, Kathleen – Counsel for Amici Curiae;
41. Bonta, Rob – Counsel for Amici Curiae;
42. Boulware, Rebecca Kamody – Amicus Curiae;
43. Bowdre, Alexander Barrett – Counsel for Defendants;
44. Bundesverband Trans* e.V. – Amicus Curiae;
45. Bridges, Dr. Rebecca L. – Amicus Curiae;
46. Bronni, Nicholas J. – Counsel for Amici Curiae;
47. Broyles, Vernadette R. – Counsel for Amici Curiae;
48. Bryan, Chad W. – U.S. Magistrate Judge;
49. Burke, Liles C. – U.S. District Court Judge;
50. Burleigh, Billy – Amicus Curiae;
51. California, State of – Amicus Curiae;
52. Cantrell, Michael A. – Counsel for Amici Curiae;

53. Carr, Danny – Defendant;
54. Central Conference of American Rabbis – Amicus Curiae;
55. Cheek, Jason R. – Counsel for Intervenor-Plaintiff;
56. Child & Parental Rights Campaign, Inc. – Counsel for Amicus Curiae;
57. Clark, Matthew J. – Counsel for Amicus Curiae;
58. Clarke, Kristen – Counsel for Intervenor-Plaintiff;
59. Coe, Brian – Amicus Curiae (pseudonym);
60. Coe, Laura – Amicus Curiae (pseudonym);
61. Colavecchio, J.D. – Counsel for Amici Curiae;
62. Colorado, State of – Amicus Curiae;
63. Connecticut, State of – Amicus Curiae;
64. Conrady, Julie – Amicus Curiae;
65. Cooper, Erica – Amicus Curiae;
66. Davies, Andrew Rhys – Counsel for Amici Curiae;
67. Davis, James William – Counsel for Defendants;
68. Delaware, State of – Amicus Curiae;
69. Dermody, Eliza – Counsel for Intervenor-Plaintiff;
70. Dingus, Jaimie – Amicus Curiae;
71. District of Columbia – Amicus Curiae;
72. Doss, Jeffrey P. – Counsel for Plaintiffs;

73. Eagan, Melody Hurdle – Counsel for Plaintiffs;
74. Elgart, Allison – Counsel for Amici Curiae;
75. Elias, Nimrod Pitsker – Counsel for Amici Curiae;
76. Endocrine Society (The) – Amicus Curiae;
77. Eknes-Tucker, Paul A. – Plaintiff;
78. Escalona, Elizabeth Prim Formby – Counsel for Intervenor-Plaintiff;
79. Ethics and Public Policy Center – Amicus Curiae;
80. Federación Colectivo Hombres XX, AC – Amicus Curiae;
81. Finney, Johnny R. (II) – Amicus Curiae;
82. Foster, Carolyn – Amicus Curiae;
83. Fuller, David – Amicus Curiae;
84. G. C. – Amicus Curiae (pseudonym);
85. Genau, Joseph – Amicus Curiae;
86. George, Renu R. – Counsel for Amici Curiae;
87. Georgia, State of – Amicus Curiae;
88. Gibson, Henry N. – Amicus Curiae;
89. Global Justice Institute – Amicus Curiae;
90. Hamilton, Gene – Counsel for Amicus Curiae;
91. Hamilton-Poore, Dr. Samuel F. – Amicus Curiae;
92. Hamilton-Poore, Terry – Amicus Curiae;

93. Hasson, Mary Rice – Amicus Curiae;
94. Hawaii, State of – Amicus Curiae;
95. Health Professionals Advancing LGBTQ Equality – Amicus Curiae;
96. Hecker, Elizabeth P. – Appellate Counsel for Intervenor-Plaintiff;
97. Henkin, Steven – Amicus Curiae;
98. Hopkins, C. Lynn – Amicus Curiae;
99. Hutchinson, Laura – Amicus Curiae;
100. Illinois, State of – Amicus Curiae;
101. Indiana, State of – Amicus Curiae;
102. Isaacson, Eric Alan – Counsel for Amici Curiae;
103. Isasi, William – Counsel for Amici Curiae;
104. Isner, Shane – Amicus Curiae;
105. Ivey, Kay – Defendant;
106. Jacobs, Dylan L. – Counsel for Amici Curiae;
107. Jimmerson, Dr. Ellin – Amicus Curiae;
108. Kerschner, Helena – Amicus Curiae;
109. Koe, Rachel – Plaintiff (pseudonym);
110. Kuper, Laura – Amicus Curiae;
111. Krishna, Praveen S. – Appellate Counsel for Intervenor-Plaintiff;
112. LGBT+ Denmark – Amicus Curiae;

113. LaCour, Edmund G. (Jr.) – Counsel for Defendants;
114. Lamar-Hart, Cynthia – Amicus Curiae;
115. Lannin, Cortlin H. – Counsel for Amici Curiae;
116. Lanosa, Michael – Counsel for Amici Curiae;
117. Lareau, Alyssa C. – Counsel for Intervenor-Plaintiff;
118. Levi, Jennifer L. – Counsel for Plaintiffs;
119. Loe, Brian – Amicus Curiae (pseudonym);
120. Loe, Sarah – Amicus Curiae (pseudonym);
121. Loper, Dr. Helene – Amicus Curiae;
122. Louisiana, State of – Amicus Curiae;
123. Maine, State of – Amicus Curiae;
124. Marshall, Margaret L. – Counsel for Intervenor-Plaintiff;
125. Marshall, Steve – Defendant;
126. Martinez, Gabriel – Counsel for Amici Curiae;
127. Martinez, Michael Rodriguez – Counsel for Amici Curiae;
128. Maryland, State of – Amicus Curiae;
129. Massachusetts, State of – Amicus Curiae;
130. Mattern, David P. – Counsel for Plaintiffs;
131. McAlister, Mary E. – Counsel for Amici Curiae;
132. McCoy, Scott D. – Counsel for Plaintiffs;

133. McNamara, Meredith – Amicus Curiae;
134. Medical Association of Pediatric Nurse Practitioners – Amicus Curiae;
135. Men of Reform Judaism – Amicus Curiae;
136. Mills, Christopher Ernest – Counsel for Defendants;
137. Mississippi, State of – Amicus Curiae;
138. Missouri, State of – Amicus Curiae;
139. Mitchell, Jonathan F. – Counsel for Amicus Curiae;
140. Moe, Jane – Plaintiff (pseudonym);
141. Montag, Coty Rae – Counsel for Intervenor-Plaintiff;
142. Montana, State of – Amicus Curiae;
143. Morrison, Rachel N. – Counsel for Amicus Curiae;
144. National Association of Pediatric Nurse Practitioners – Amicus Curiae;
145. Nebraska, State of – Amicus Curiae;
146. Nevada, State of – Amicus Curiae;
147. New Jersey, State of – Amicus Curiae;
148. New Mexico, State of – Amicus Curiae;
149. New York, State of – Amicus Curiae;
150. Newton, Nicole – Amicus Curiae;
151. Noe, Kathy – Plaintiff (pseudonym);
152. North Carolina, State of – Amicus Curiae;

153. Norwegian Organization for Sexual and Gender Diversity (The) – Amicus Curiae;
154. Oklahoma, State of – Amicus Curiae;
155. Oladeinbo, Gilbert Olusengun – Counsel for Plaintiffs;
156. Olezeski, Christy – Amicus Curiae;
157. Oregon, State of – Amicus Curiae;
158. Ormand, Justin L. – Counsel for Amici Curiae;
159. Orr, Asaf – Counsel for Plaintiffs;
160. Patterson, Peter A. – Counsel for Defendants;
161. Pediatric Endocrine Society – Amicus Curiae;
162. Pennsylvania, State of – Amicus Curiae;
163. Perigoe, Kelly – Counsel for Plaintiffs;
164. Peterson, Misty L. – Counsel for Plaintiffs;
165. Poe, Megan – Plaintiff (pseudonym);
166. Powers, John Michael – Counsel for Intervenor-Plaintiff;
167. Pratt, James Andrew – Counsel for Plaintiffs;
168. Professional Association for Transgender Health Aotearoa New Zealand (The) – Amicus Curiae;
169. Ragsdale, Barry Alan – Counsel for Amici Curiae;
170. Ramer, John D. – Counsel for Defendants;

171. Ray, Brent P. – Counsel for Plaintiffs;
172. Riehl, Christina – Counsel for Amici Curiae;
173. Reinke, Adam – Counsel for Plaintiffs;
174. Renner, Steven S. – Amicus Curiae;
175. Reynolds, Laura – Amicus Curiae;
176. Rhode Island, State of – Amicus Curiae;
177. Robin-Vergeer, Bonnie – Appellate Counsel for Intervenor-Plaintiff;
178. Roe, Rebecca – Plaintiff (pseudonym);
179. Rothbauer, Chris – Amicus Curiae;
180. Rutledge, Leslie – Counsel for Amici Curiae;
181. Saei, Yusuf – Counsel for Plaintiffs;
182. Sanders, Jennifer – Amicus Curiae;
183. Seiss, Benjamin Matthew – Counsel for Defendants;
184. Seta ry / Seta rf / Seta Lgbtiq Rights in Finland – Amicus Curiae;
185. Shortnacy, Michael B. – Counsel for Plaintiffs;
186. Schwabauer, Barbara – Appellate Counsel for Intervenor-Plaintiff;
187. Societies for Pediatric Urology – Amicus Curiae;
188. Society for Adolescent Health and Medicine – Amicus Curiae;
189. Society for Pediatric Research – Amicus Curiae;
190. Society of Pediatric Nurses – Amicus Curiae;

191. Soe, Melissa – Amicus Curiae (pseudonym);
192. Soto, Diego Armando – Counsel for Plaintiffs;
193. South Carolina, State of – Amicus Curiae;
194. Southeast Conference of the United Church of Christ – Amicus Curiae;
195. Smalts, Laura Perry – Amicus Curiae;
196. Smith, John – Amicus Curiae;
197. Stewart, Sandra Jean – Counsel for Intervenor-Plaintiffs;
198. Strickland, Kevin L. – Amicus Curiae;
199. Stone, Jessica Lynn – Counsel for Plaintiffs;
200. Stonewall UK – Amicus Curiae;
201. Swedish Federation for Lesbian, Gay, Bisexual, Transgender, Queer and
Intersex Rights (The) – Amicus Curiae;
202. Szilagyi, Nathalie – Amicus Curiae;
203. Terry, Abigail Hoverman – Counsel for Plaintiffs;
204. Texas, State of – Amicus Curiae;
205. Thomason, Beth – Amicus Curiae;
206. Thompson, David H. – Counsel for Defendants;
207. Thornton, Joel H. – Counsel for Amici Curiae;
208. Toyama, Kaitlin – Counsel for Intervenor-Plaintiff;
209. Trevor Project (The) – Amicus Curiae;

- 210. Union for Reform Judaism – Amicus Curiae;
- 211. United States of America – Intervenor-Plaintiff;
- 212. Unitarian Universalist Association – Amicus Curiae;
- 213. Universal Fellowship of Metropolitan Community Churches – Amicus Curiae;
- 214. Utah, State of – Amicus Curiae;
- 215. Vermont, State of – Amicus Curiae;
- 216. Voe, Robert – Plaintiff (pseudonym);
- 217. Voights, Anne M. – Counsel for Plaintiffs;
- 218. Wadsworth, Stephen D. – Counsel for Intervenor-Plaintiff;
- 219. Warbelow, Sarah – Counsel for Plaintiffs;
- 220. Washington, State of – Amicus Curiae;
- 221. Weaver, Lily – Counsel for Amici Curiae;
- 222. Weaver, Susan Kay – Counsel for Amici Curiae;
- 223. Wenck, Julia H. – Counsel for Amici Curiae;
- 224. West Virginia, State of – Amicus Curiae;
- 225. Wilkerson, Mark Douglas – Counsel for Amici Curiae;
- 226. Williams, Renee – Counsel for Intervenor-Plaintiff;
- 227. Wilson, Thomas Alexander – Counsel for Defendants;
- 228. Wood, Kimberly – Amicus Curiae;

- 229. Woodke, Lane Hines – Counsel for Intervenor-Plaintiff;
- 230. Women of Reform Judaism – Amicus Curiae;
- 231. World Professional Association for Transgender Health – Amicus Curiae;
- 232. Vague, Amie A. – Counsel for Plaintiffs;
- 233. Vance, Robert S. (III) – Counsel for Amici Curiae;
- 234. Ventiere, Jessica – Defendant;
- 235. Veta, D. Jean – Counsel for Amici Curiae;
- 236. Walker, Susan Russ – U.S. Magistrate Judge;
- 237. Weaver, Cynthia Cheng-Wun – Counsel for Plaintiffs;
- 238. Zelbo, Howard S. – Counsel for Amici Curiae;
- 239. Zoe, James – Plaintiff (pseudonym).

Undersigned also certifies that no publicly traded company or corporation has an interest in the outcome of this case or appeal.

s/ Thomas A. Wilson
Thomas A. Wilson
Deputy Solicitor General

MOTION FOR LEAVE TO WITHDRAW

COMES NOW the undersigned, Thomas A. Wilson, and files this Motion for Leave to Withdraw as counsel of record for Appellees Kay Ivey, Steve Marshall, Daryl Bailey, C. Wilson Baylock, Jessica Ventiere, Tom Anderson, and Danny Carr. As grounds for said Motion, undersigned states that his last physical day in the Office of the Alabama Attorney General was March 3, 2023, and that his formal resignation is effective March 24, 2023. Said Appellees will continue to be represented by Edmund G. LaCour Jr., A. Barrett Bowdre, James W. Davis, and Benjamin M. Seiss, and no party will be prejudiced by this withdrawal.

Respectfully submitted,

STEVE MARSHALL
Attorney General

s/ Thomas A. Wilson
Thomas A. Wilson
Deputy Solicitor General

**Counsel for Appellees Malone, England,
and Baker**

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Montgomery, AL 36130
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CERTIFICATE OF SERVICE

I hereby certify that on March 15, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

s/ Thomas A. Wilson
Thomas A. Wilson
Deputy Solicitor General